

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

OFFICER MOSBETH USMC, OFFICER
MCSHRINE, OFFICER RYFINKN,
OFFICER WIERER, OFFICER COOPER,
LMHIP DONOVAN, APRN EDEN WODIJO,
and ADMINISTRATOR NORDICK,

Defendants.

8:22CV320

MEMORANDUM AND ORDER

On September 20, 2022, the Court ordered Plaintiff to pay the \$402.00 filing and administrative fees or file a request for leave to proceed in forma pauperis that complied with [28 U.S.C. § 1915](#) within 30 days or face dismissal of this action. [Filing No. 4](#). To date, Plaintiff has not paid the fees, submitted a request for leave to proceed in forma pauperis, or taken any other action in this matter. The Court is aware that Plaintiff was placed at the Nebraska Department of Correctional Services' Diagnostic and Evaluation Center sometime after September 23, 2022, though he remains a pretrial detainee in the custody of Lancaster County. See [Filing No. 1 at 3, 8](#), Case No. 8:22CV360; [Filing No. 1 at 1](#), Case No. 8:22CV350. However, there is no indication that Plaintiff did not receive notice of the Court's September 20, 2022 order in the present case, and Plaintiff acknowledges that he received orders entered after September 23, 2022 in his other cases. See [Filing No. 1 at 1](#), Case No. 8:22CV350.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this Court's orders. The Court will enter judgment by a separate document.
2. Any notice of appeal filed by Plaintiff must be accompanied by the \$505.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal.¹
3. The Clerk of Court is directed to send a copy of this Memorandum and Order and the accompanying Judgment to Plaintiff at the Nebraska Department of Corrections – Lincoln, P.O Box 22800, Lincoln, NE 68542-2800, and update his address in this case accordingly.

Dated this 1st day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge

¹ The Court has previously determined that Plaintiff has “three strikes.” See, e.g., *Lightfeather v. McSwine*, No. 8:22-cv-00238-JFB-PRSE (D. Neb.) ([Filing No. 11](#), finding Plaintiff has “three strikes” and dismissing complaint pursuant to [28 U.S.C. §1915\(g\)](#)).